Approved For Release 2003/R5/06 Weld-RDP84-00780R002400020087-1

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Leisannel 17

10 January 1968

MEMORANDUM FOR:	Deputy Director for Support 9. 1.13 68	0574
SUBJECT :	Involuntary Retirement -	25X1

- 1. In accordance with our newly developed procedures for processing involuntary retirement cases, I met with _______ on 10 January, the day she returned from leave. As Chairman of the CIA Retirement 25X1 Board, I advised her that the Board was going to review her case on or shortly after 19 January 1968 to arrive at a recommendation concerning the proposal that she be involuntarily retired.
- 2. I presented her with a written memorandum to this effect (copy attached) which sets forth in general terms the basis for the adverse action proposed. The memorandum also advises her of her right to a hearing by the CIA Retirement Board if she so desires.
- 3. Miss read the memorandum, flatly refused to acknowledge its delivery by signing a copy, and unequivocably disclaimed any desire or intent to submit any further information to the Board or to appear personally.
- 4. She then launched into a twenty-minute tirade regarding her utter contempt for all levels of supervision in the Clandestine Services, and of Agency personnel administration, and of the members of the Retirement Board. She stated that the only person she would talk to was the Director of Central Intelligence and stated that only he might be able to understand the outrageous handling she had received in the Clandestine Services resulting in her misuse and mismanagement by ignorant, stupid supervisors.
- 5. I now plan to present all available evidence on the case to the Board on or as immediately after 19 January that a meeting can be convened. I will advise her again of the exact time and place and invite her appearance.
- 6. Upon receipt of the Board's recommendation, I will, as Director of Personnel, submit my recommendation promptly to the Director. I will advise her of her right (prescribed by regulation) to appeal to the Director an adverse decision by the Director.

/5/

Emmett D. Echols
Director of Personnel
DD/S Distribution:

Distribution: O&l - Addressee

1 - EDE chrono

l - Case file

Orig - Mr. Houston by hand RLB 10 Jan 68

DD/S Subject w/att

OD/Pers: EDE chols/bhb (10 Jan 68) Approved For Release 2003/05/05: CIA, RDP84-00780R002400020087

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MR.	BANNERM	AN		
BEFORE	9:00 A.	M. 11 Jan 68		
			 	
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COMMENT				

SECRET EYES ONLY

S . 44 989

25X1	MEMORANDUM	FOR:		
	SUBJECT	*	Proposed Retirement	*
25X1	REFERENCE	£	HR	

- Pursuant to the provisions of referenced Regulation your case was presented to the Agency Retirement Board on 11 December 1967 for their consideration. At that meeting the Board took cognizance of all pertinent documentation, including the notification to you dated 28 Movember 1967 from the Director of Personnel, and your reply thereto deted 5 December 1967.
- Prior to making a recommendation in your case, the Agency 2. Retirement Board wishes to advise you of your right under the referenced Regulation to submit directly to the Board any additional pertinent information which you may have. You may submit such information either orally (personally) or in writing. Any written comments must be presented to my office by the close of business 19 January 1968. If you wish to present oral comments to the Board, instead of or in addition to written comments. your intention in this regard should be presented in writing to my office by the date indicated. You will then be notified of the time and place of the Board meeting.
- You will recell that on 3 August 1962, the then Acting Director of Central Intelligence granted your appeal to be continued in Agency employment following an earlier recommendation for your separation. He did so, however, on the condition "that your performance continues to meet Agency standards and contributes to the orderly management of the office is which you serve." Subsequent to your reassignment to your present Mivision in February 1963, there have been the following indi-

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STAT						·				
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EYES OMY

SUBJECT: Proposed Retirement

STAT						
		Chairme	o, Agency	Retirement	Board	25X1
	NOTED:					
25X1	Distribution: O - Addressee & Case File 1 - DDP/OP 1 - D/Pers 1 - ExSecy, Retirement Board X - SAS/OP			Date	MA Strombulve des	
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MEMORANDUM FOR: Deputy Director for Support	MEMORANDUM FOR:	Deputy	Director	for	Support 13
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SUBJECT Delay in Processing of Involuntary Retirement of

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than another.

- 1. This memorandum is for your information.
- 2. From the record it is quite clear that the handling of this case has taken an unconscionably long time. There are two mitigating factors, however. The first and truly valid reason is that this case represents the Agency's first "Involuntary Retirement" wherein the Agency did not have the consent of the individual to proceed with the retirement. As such, the case is fraught with administrative, policy and legal considerations which have of necessity involved the decisions, opinions, and considerations by a great many Agency officials including the Executive Director, the General Counsel, the Director of Security, the Deputy Director for Support, the Director of Personnel, the Chief, Special Activities Staff, the CIA Retirement Board, and the Personnel Office of the Clandestine Services.
- 3. The critical issue derives from the fact that involuntary retirement is a prejudicial action toward an employee which results in his separation from employment. The fact that, as a participant in the CIA Retirement System, the individual may be eligible for an immediate annuity is not material. More significant is the fact that court decisions tend to protect employees against any capricious separations and to require an agency to comply precisely and consistently with not only the law but an agency's internal procedures as well.
- 1967. The Director of Personnel promptly investigated the case and drafted a memorandum to the Director describing the case and pointing out that action could be taken against Miss under either regulation, HR or, and recommending the latter. In view of legal questions raised by the General Counsel and policy questions raised by the Inspector General, it was 21 September 1967 before the Executive Director approved the taking of action under HR A new policy and legal obstacle then was raised which concluded in a determination by the Deputy Director for Support that HR _____ would have to be revised to conform with HR 25X1 It was held to be wrong and legally hazardous by the Deputy Director for Support to provide an employee with any less protection on an involuntary separation under one regulation

The case was initiated by the Deputy Director for Plans on 3 July

6. In lieu of attempting to consolidate in a single regulation separation authorities based on different laws, the Director of Personnel developed and proposed a procedure to be applied to involuntary retirement cases (HR which conformed in both principle and fact with that previously established for involuntary separation cases (HR . This approach to 25X1 the problem was approved by the Deputy Director for Support on 21 November 1967.
7. The next phase was to indoctrinate the CIA Retirement Board to the new function that it will hereafter be called upon to perform, i.e., hearing the evidence on a particular individual leading to a recommendation to the Director that that individual should be involuntarily retired. The critical legal consideration in connection with involuntary retirement is not the Director's authority to retire the individual but, rather, to ensure that his reasons for retiring that individual are not challenged as being capricious and discriminatory.
8. The CIA Retirement Board first discussed this new area of responsibility on 11 December 1967. In the process a procedural error was discovered and action was postponed for its correction. On 5 January 1968 the Board approved the revised procedure and made the required tentative decision to hold a hearing on the case.

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9. Since the employee has been on leave, I have been unable to give Miss the required notice from the Board and the invitation to her to be heard by the Board. This will be done 10 January and the hearing will be held on or immediately after 19 January. In the absence of unforeseeable difficulties, the recommendation of the Board and the Director of Personnel should be submitted to the Director on or about 20 January.

Emmett D. Echols
Director of Personnel

25X1

DD/S 67-6021

21 NOV 1967

	MEMORANDUM E	OR:	Director of Personnel	77.11-9.
25X1	SUBJECT	:	Miss	
	REFERENCES	:	(a) Memo dtd 7 Sept 67 for D/Pers fr DD/S, same subj	
			(b) Memo dtd 19 Sept 67 for DCI fr D/Pers, same subj	
			(c) Memo dtd 17 Nov 67 for Ex.DirCompt. fr DD/S, subj: Status Report on Proposed	->//
25X1			Involuntary Retirement of Miss 2	:5X1

- 1. In referent (a) I summed up the agreements reached with the Executive Director-Comptroller on the procedures to be followed in connection with consideration of involuntary retirement action. I requested that you prepare a memorandum to the Director requesting his approval for your proceeding with administrative action in the case of Miss ______ This was done by your memorandum dated 19 September 1967 (Ref (b)). The Executive Director-Comptroller approved of your proposed action on 21 September 1967, and about mid-November inquired as to progress in the case. He was advised of progress as of 17 November 1967 in my memorandum, which you drafted for me.
- 2. Upon receipt of the status report (Ref (c)), the Executive Director-Comptroller had the following comment: "I don't understand why it has taken since 21 September (2 months) to get this much action. Please insure that this case is handled expeditiously from here out." I understand the problems inherent in managing a case of this nature and that all of the delay may not have been in the Office of Personnel, but I agree with the Executive Director-Comptroller that, for whatever reason, nearly two months is too much time for the production of a memorandum to initiate action. I ask that this case be handled expeditiously and that I be advised of all significant events.

SIGNED R. L. Bannerman

R. L. Bannerman
Deputy Director
for Support

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Note: 1 tcy to on 15 Jan 68

EO-DD/S:VRT/ms (21 Nov 67)
Approved For Release 2003/05/05 CIA-RDP84-00780R002400020087-1
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	<i>*</i>	67-4023/
•-};	DD/S	67 - 5957
	17 NO	V 1967
	MEMORANDUM FOR: Executive Director-Comptroller SUBJECT: Status Report on Proposed Involuntary Retirof Miss	rement 25X1
25X1	1. This memorandum is for your information only. 2. I discussed with you recently the intention of the Direct Personnel to process the case of Miss under involuntary retirement provisions of the CIA Retirement System. that time, Personnel has been in further contact with the Clandestin Services to update the case and review the procedures now to be ta 3. Mr. Echols signed today formal notice to Miss ing her of the proposed action. This memorandum will be presented as soon as a representative of the Clandestine Service formally notifies her of this recommendation that she be removed formally notifies her of these actions should take place early next were that service. Both of these actions should take place early next were attitude. She may elect to retire voluntarily or to avail herself of a review procedures (by the Retirement Board and the Director of Perwith recommendation to the Director). In the latter case, it will proceed that a month to obtain a final decision on her retirement.	r the 25X1 Since ne ken. Idvis- ed to 25X1 ces from ek.
	Deputy Director for Support cc: Director of Personnel	25X1 25X1

ELGILI LV13 LILY FILI Leisennel 17 DD/S 67-5957 17 NOV 1967 MEMORANDUM FOR: Executive Director-Comptroller : Status Report on Proposed Involuntary Retirement SUBJECT of Miss 1. This memorandum is for your information only. 2. I discussed with you recently the intention of the Director of Personnel to process the case of Miss inder the 25X1 involuntary retirement provisions of the CIA Retirement System. Since that time, Personnel has been in further contact with the Clandestine Services to update the case and review the procedures now to be taken. 25X1 3. Mr. Echols signed today formal notice to Miss advising her of the proposed action. This memorandum will be presented to as soon as a representative of the Clandestine Services 25X1 formally notifies her of this recommendation that she be removed from that service. Both of these actions should take place early next week. 4. Beyond that point, further action will depend on Miss 25X1 attitude. She may elect to retire voluntarily or to avail herself of the full review procedures (by the Retirement Board and the Director of Personnel with recommendation to the Director). In the latter case, it will probably take about a month to obtain a final decision on her retirement. SIGNED R. L. Bannerman R. L. Bannerman Deputy Director for Support cc: Director of Personnel EO-DD/S: VRT/ms (17 Nov 67) Distribution: Orig - Adse 1 - ER 1 - DD/S Subject, w/Background (DD/S 67-4824, 67-4629, 67-4614, etc. & **67-**5951) 1 - DDAP proved For Release 2003/05/05 : CIA-RDP84-007.80R002400020087-1

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OFFICIAL ROUTING SLIP

CONFIDENTIAL

UNCLASSIFIED

25/567-5-951

MEMORANDUM FOR: Executive Director-Comptroller
SUBJECT : Status Report on Proposed Involuntary Retirement of Miss
1. This memorandum is for your information.
2. I discussed with you recently the intention of the Director of
Personnel to process the case of Miss under the STAT
involuntary retirement provisions of the CIA Retirement System. Since
that time, Personnel has been in further contact with the Clandestine
Services to update the case and review the procedures now to be taken.
3. Mr. Echols signed today formal notice to Miss advising STAT
her of the proposed action. This memorandum will be presented to
Miss as soon as a representative of the Clandestine Services
formally notifies her of this recommendation that she be removed from that
service. Both of these actions should take place early next week.
4. Beyond that point, further action will depend on Miss STAT
attitude. She may elect to retire voluntarily or to avail herself of the
full review procedures (by the Retirement Board and the Director of Per-
sonnel with recommendation to the Director). In the latter case, it will
probably take about a month to obtain a final decision on her retirement.

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R. L. Bannerman Deputy Director for Support Next 2 Page(s) In Document Exempt

TO: Mr. I	Bannerman		
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FROM:			
ROOM NO.	BUILDING		EXTENSION
FORM NO .241	REPLACES FORM	20.0	

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07 SEP 1967

MEMORANDUM	FOR: Director of Personnel
SUBJECT	:
y.	
	ence is made to previous memoranda and discussions on
this topic. Attac	hed are two additional memoranda, one from the Acting
General Counsel	dated 6 September 1967 and one from the Inspector General
dated 29 August	1967. I discussed the substance of these with the Executive
•	e manner in which we should proceed.
	· · · · · · · · · · · · · · · · · · ·
2 It was	agreed that in any case involving involuntary retirement
	rst present the outline of the case to the Director for his
	ed with consideration of involuntary retirement action.
After the Direct	r's approval it would then be the responsibility of the Director
of Personnel to p	roceed administratively in accordance with the procedures
established	utilizing the Retirement Board.
•	
2 1.4.	handan
o. it is i	herefore requested that you prepare a memorandum through

SIGNED R. L. Bannerman R. L. Bannerman Deputy Director for Support

for an eventual

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3 Atts			
Att 1:	Memo dtd 6 Sept 67 for	DD/S fr	
	Acting General Counsel, subj:		
	Statutory and Regulator	ry Requirements	
	for Involuntary Retirer	nent (DD/S 67-4614)	
2:	Memo dtd 29 Aug 67 fo	r ExDir-Compt	
	fr IG, subj:	(DD/S 67-4469	
3:	Memo dtd 25 Aug o/ to	r DCI fr D/Pers,	
	subj: Miss	w/atts	
. **	& OPF(DD/\$ 67-4159)		

me to the Director requesting his approval for your proceeding with

recommendation to the Director pertaining to involuntary retirement.

administrative action in the case of

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OGC 67-1716

6 September 1967

MEMORANDUM FOR: Deputy Director for Support

SUBJECT:

Statutory and Regulatory Requirements

for Involuntary Retirement

This is further with regard to your request on this subject and it supplements my memorandum of 25 August to you, subject as above.

2. As indicated in the 25 August memorandum, I believe
a procedure which substantially avoids the procedural requirements
of HR would be the simplest one and a fair one. I also
believe such a procedure would involve little risk that the resulting
Director's decision would be set aside by a court decision. However,
it would surely involve even less risk if we were to utilize the
procedures of HR Also, it seems likely that the procedures
utilized in this case would tend to become the pattern for subse-
quent involuntary retirement cases, and a continued use of a
procedure other than that prescribed by HR of course would 25X1
increase the possibility of an adverse decision by a court.

If experience shows that the procedures of HR for involuntary retirement cases are unsatisfactory or unduly burdensome, the Agency of course could revise the regulation. In the event of a revision of the regulation, it would also be necessary for the Agency to decide at that time whether the requirements of Section 201(a) of the Act that the Agency rules and regulations under the retirement system are to become effective only after approval by the chairman and ranking minority members of the Armed Services Committees, would also require that the amendment to the regulation receive the approval of those Congressional leaders.

*		_
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Acting General Counsel

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DD/S 67-4/69

MEMORANDUM FOR:	Executive Director-Comptroller	
SUBJECT :		

l. Miss directed two letters of appeal to the Director through the Inspector General, one dated 25 June 1962 and one dated 2 July 1962. The former appeal is based almost entirely on a request that she be allowed to complete 20 years service which would allow her a retirement annuity. Attached is paragraphs 3, 4, 5 and 6 of this memorandum. Miss also appealed directly to me and the thrust of her appeal was to permit at least two more years of service and thereby entitle her to retire with "dignity and a small annuity." A copy of this memorandum is also attached. Five years later Miss is now requesting and insisting upon two more years to allow her to complete 25 years service.

2. The above facts may possibly be pertinent to discussions with her relative to retirement or be of assistance to the Director in his final determination of this case.

J. S. Earman Inspector General

Attachments:

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As Stated Above

cc: Deputy Director for Support

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FORM NO. 237 Use previous editions

Approved For Release 2003/05/05: CIA-RDP84-00780R002400020087-1

OGC 67-1675

25 August 1967

MEMORANDUM FOR: Deputy Director for Support

SUBJECT: Statutory and Regulatory Requirements
for Involuntary Retirement

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FOIAB5

2. Regulation likewise authorizes the Director "in his discretion" to involuntary retire an eligible employee (subparagraph m(1)). It also provides, at "Ordinarily, "Ordinarily, the recommendation to retire a participant under the provisions of this paragraph shall originate with the Head of his Career Service who shall provide a full statement of the reasons for such recommendation. However, in appropriate cases the Director of Personnel shall originate such recommendation." There is no provision for processing a recommendation originated by a Head of a Career Service. It would follow, therefore, that such a recommendation

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could be made directly from the Head of the Career Service to the Director. Additionally, the recommendation could receive the consideration and concurrence or nonconcurrence of other appropriate officials, for example, the Deputy Director concerned, the General Counsel, and of course the Executive Director-Comptroller. A special board or panel could be appointed by the Director for review and recommendation.

- 3. If the recommendation for involuntary retirement originates with the Director of Personnel, on the other hand, a number of procedural steps are required:
 - a. Normally, the Director of Personnel shall obtain the advice of the CIA Retirement Board before making "recommendations for involuntary retirement," HR
 - b. Prior to recommending an adverse determination, the Retirement Board "will notify the employee of its tentative conclusion and of his right to submit any pertinent information to the Board within a specified period of time before making a final recommendation to the Director of Personnel," and the employee shall have a reasonable period of time in which to submit such information, HR
 - c. The Director of Personnel shall obtain the advice of the appropriate Deputy Director or Head of a Career Service before making recommendations for involuntary retirement, HR 25X1
 - d. When the Director of Personnel makes a determination adverse to an employee or recommends to the Director such an adverse determination, he shall inform the employee in writing of such determination or recommendation and of his right to appeal the determination, HR
- 4. An employee may appeal a decision of involuntary retirement by the Director, but his right to do this is not contingent upon the procedures by which the recommendation was submitted to the Director.

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respect the old order t Agency the Nat he dete the Uni immedi steps w interes which tl quoted, HR is avail also ind	regulates with respect to terminations of ure involved in this case. (HR prescribes with to terminations on security grounds, and HR is 701 procedure.) Under HR the Director may, in so meet the exacting responsibilities placed upon the and pursuant to his statutory authority under 102(c) of sional Security Act, terminate an employee whenever rmines it necessary or advisable in the interests of ted States. Further, he may separate any employee lately "and without regard to any suggested procedural when he determines it necessary or advisable in the ts of the United States." In those cases, however, in the Director does not elect to invoke the provision just the procedural steps and standards prescribed by must be met. The types of cases for which HR able are outlined in HR, and HR, and HR and (5) dicate criteria for termination. The procedures to be dare those specified in HR hrough (6). A copy is attached for your convenience.	25X1 25X1 25X1 25X1 25X1
retire m procedu an invol tion by	6. It would seem to unduly complicate an involuntary nent action to adopt a procedure which would meet the iral standards prescribed by Additionally, luntary retirement action originating with a recommendathe Director of Personnel under HR likewise would	25X1 25X1
and as a	edurally complicated. I would suggest as the simplest, an entirely fair, procedure the following:	
:] •	a. The Director of Personnel return to the Deputy Director for Plans the file and the DDP memorandum by a letter recommending that the Head of the Career Service take such further action as he may desire, including, if appropriate, action under HR	
a a	b. The Head of the Career Service address a recommendation to the Director, and the DDP advise the Director with respect to it.	
t	c. The Executive Director, upon receipt of this recommendation, could:	

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- (1) Forward the recommendation to the Director together with a statement of his own views, or
- (2) convene a special panel to advise the Executive Director and the Director with respect to the matter. The charter of the panel should specifically direct that the employee be notified of the existence of the panel and the terms of its charter and be afforded the opportunity to appear and to present any information, testimony, or evidence which the employee may desire.
- d. The Director could act on the recommendation submitted to him by the Executive Director, or he could convene a panel of the nature and for the purposes indicated above.
- 7. A suggested charter for any panel appointed is attached.

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Acting General Counsel	

Attachments

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MEMORANDUM F	FOR:	
SUBJECT:	Recommendation of Involuntary Retire of Miss	ment STAT
1. The He	ead of the Career Service has	
recommended to the	he Director that Miss be	STAT
involuntarily retir	ed under the CIA Retirement Act. A copy of	:
that recommendati	ion is attached.	
2. This me	emorandum appoints the addressees as a pan	iel
to thoroughly consi	ider this recommendation and all aspects of	,
Miss	areer and employment with the Agency and to)
make recommendat	tions to me. You will inform Miss	7
of the establishmen	nt of the panel and you will afford her full	_
opportunity to appear	ear before the panel and to present any inforn	na-
tion, testimony, or	evidence she may desire. Mr.	
is designated Chair	'man.	

3. The panel may call on the Director of Security, the Director of Personnel, the Director of Medical Services, and the General Counsel for any assistance and advice.

Attachment

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Next 2 Page(s) In Document Exempt

25 August 1967

Mr. Bannerman:

Mr. Echols brought this up - he said he is supposed to get together with you on

it. (He is going on leave today)

He has rewritten the last paragraph.

Miriam

JUST CALLED_ HE HAS SOME PAPERS ON THIS TOO AND WANTS TO SEE YOU ____